

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-F-97-5035 MDC
)	
)	ORDER DENYING MOTION FOR
Plaintiff,)	MODIFICATION OF SENTENCE
)	PURSUANT TO 18 U.S.C. §
vs.)	3582(c)(2)
)	
MELVIN WASHINGTON,)	
)	
)	
Defendant.)	
_____)	

On July 5, 2005, movant Melvin Washington filed a motion for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2). Movant contends that because United States v. Booker, ___ U.S. ___, 125 S.Ct. 738 (2005) amended the Sentencing Guidelines by making them advisory, the Supreme Court opened the door under Section 3582(c)(2) to modify his sentence pursuant to the "clarifying amendment" made in Booker.

The motion is without merit and is denied. The motion is based on a ruling by the United States Supreme Court, not on a "sentencing range that has subsequently been lowered by the

1 Sentencing Commission pursuant to 28 U.S.C. 994(o) as required by
2 Section 3582(c)(2). See e.g., United States v. Gudino-Martinez,
3 2005 WL 1126840 (E.D.Wash. 2005).

4 IT IS SO ORDERED.

5 **Dated: July 13, 2005**
6 668554

/s/ Robert E. Coyle
UNITED STATES DISTRICT JUDGE